

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

VFS Financing, Inc.

v.

Civil No. 11-cv-478-JL

Brooks Pride 2, LLC, Harold
J. Brooks, and Maine Aviation
Aircraft Charter, LLC

PROCEDURAL ORDER: PRELIMINARY INJUNCTION HEARING

The preliminary pretrial conference scheduled for December 13, 2011 is postponed indefinitely.

The hearing on the motions for attachment and possession (documents nos. 2 and 3) will be held on **December 22, 2011 at 10:00 a.m.**

On or before **December 13, 2011**, the parties shall jointly file:

- a single timeline setting forth all pertinent dates, times, and events, in whatever format the parties jointly choose (in other words, the parties need not comply with the formatting and font requirements of Local Rule 5.1(a) with respect to the timeline);
- a single Statement of Agreed Facts followed by a Statement of Disputed Facts. The disputed facts are not an invitation to advocacy (i.e., "The plaintiff can not establish irreparable harm because" or "There is a strong likelihood of success on the merits because"). The parties should simply list facts they intend to establish at the hearing, or which they contend will not be established at the hearing.

On or before **December 20, 2011**, each party shall file:

- a witness list;
- an exhibit list; and
- proposed findings of fact and rulings of law.

Counsel shall confer (preferably in person, or else by telephone) in a good-faith effort to identify all areas of agreement and to make the statement of facts and timeline as comprehensive as possible, so that open court testimony can focus on matters truly in dispute. Counsel are expressly discouraged from simply "recycling" factual statements submitted during previous motion practice in this case.

Counsel shall confer before the hearing to identify all areas of agreement and disagreement as to the admissibility of each exhibit.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: December 2, 2011

cc: Peter Antonelli, Esq.
Thomas H. Curran, Esq.
David Himelfarb, Esq.
Ronald G. Sutherland, Esq.
Mark C. Rouvalis, Esq.
Nicholas F. Casolaro, Esq.
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